IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6682 OF 2005

Shri Suresh Vishwanath Gaikwad : Petitioner

V/s.

Smt.Bhartibai Baburao Gaikwad & Ors. : Respondents

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Mr.Sachin Chavan for Mr.S.S.Kulkarni for the petitioner.

None present for the respondents.

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CORAM : S.A. BOBDE, J.

October 5, 2005.

P.C.:

1. The only grievance of the petitioner is that the Addl. Commissioner, Nashik Division, Nashik, has upheld the order of the Tahsildar recording a partition in the Record of Rights. I find from the order that the learned Addl. Commissioner has observed that the parties may approach the Civil Court and, thereafter, they may apply for change in the Record of Rights. Indeed, this is the correct observation in law and the petitioner, who does not accept the partition, may file a civil suit for the said purpose and, thereafter, apply for mutation, in accordance with the result of the civil suit. It is a settled law that

mutation entries cannot affect the partition of the property by themselves and thereby divest or confer title on any of the parties. This dispute will have to be decided by the Civil Court. No reason to interfere.

2. The Writ Petition is dismissed with the above observations.

S.A. BOBDE, J.